

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Senate Bill 248 be amended to read as follows:

- 1 Page 4, after line 37 , begin a new paragraph and insert:
2 "SECTION 4. IC 35-50-2-14, AS ADDED BY P.L.214-1999,
3 SECTION 4, IS AMENDED TO READ AS FOLLOWS: Sec. 14. (a)
4 The state may seek to have a person sentenced as a repeat sexual
5 offender for a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or
6 IC 35-46-1-3 by alleging, on a page separate from the rest of the
7 charging instrument, that the person has accumulated one (1) prior
8 unrelated felony conviction for a sex offense under IC 35-42-4-1
9 through IC 35-42-4-9 or IC 35-46-1-3.
10 (b) After a person has been convicted and sentenced for a felony
11 committed after sentencing for a prior unrelated felony conviction
12 under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3, the person
13 has accumulated one (1) prior unrelated felony conviction. However,
14 a conviction does not count for purposes of this subsection, if:
15 (1) it has been set aside; or
16 (2) it is one for which the person has been pardoned.
17 (c) The court alone shall conduct the sentencing hearing under
18 IC 35-38-1-3.
19 (d) A person is a repeat sexual offender if the court finds that the
20 state has proved beyond a reasonable doubt that the person had
21 accumulated one (1) prior unrelated felony conviction under
22 IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3.
23 (e) The court may sentence a person found to be a repeat sexual
24 offender to an additional fixed term ~~that is the presumptive sentence for~~
25 ~~the underlying offense. However, the additional sentence may not~~
26 ~~exceed ten (10) years.~~ **of life imprisonment without parole."**
 (Reference is to SB 248 as printed March 30, 2001.)

